

NO. 72371

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office MAR 11 2005

Returned to applicant for correction _____

Corrected application filed _____

Map filed MAR 11 2005

The applicant **Please see Exhibit "A", attached hereto**, hereby makes application for permission to change the **PLACE OF USE AND MANNER OF USE OF A PORTION OE** of water heretofore appropriated under **Claims # 709 and 710 of the Truckee River Decree, said decree entered in the District Court of The United States for Nevada in that certain action entitled, "The United States of America, Plaintiff, vs. Orr Water Ditch Company, et al., Defendants," in Equity Docket No. A-3.**

1. The source of water is **STEAMBOAT CREEK**
2. The amount of water to be changed **5.04 CFS NOT TO EXCEED 805.75 ACRE FEET ANNUALLY**
3. The water to be used for **IN STREAM FLOW**
4. The water heretofore permitted for **AS DECREED**
5. The water is to be diverted at the following point **W½ OF SECTIONS 3 AND 10, T.18N., R.20E., M.D.B.&M., "Several Ramelli Ditches" per Decree. No other information is available regarding the points of diversion. See page 11 on plane table maps supporting decree.**
6. The existing permitted point of diversion is located within
7. Proposed place of use **SEE EXHIBIT "B" ATTACHED HERETO. REFERENCE IS MADE TO TR-026, 039, 046, AND 047.**
8. Existing place of use **SEE EXHIBIT "C", ATTACHED HERETO**
9. Use will be from **JANUARY 1 to DECEMBER 31** of each year.
10. Use was permitted from **AS DECREED.**
11. Description of proposed works **WATER WILL BE DIVERTED WITHIN THE EXISTING STEAMBOAT CREEK CHANNEL AND THE TRUCKEE RIVER.**
12. Estimated cost of works **UNKNOWN – SUBJECT TO PERMIT CONDITIONS.**
13. Estimated time required to construct works **UNKNOWN – SUBJECT TO PERMIT CONDITIONS.**
14. Estimated time required to complete the application of water to beneficial use **TEN YEARS**

15. Remarks: **THIS WATER WILL BE DIVERTED WITHIN EXISTING STEAMBOAT CREEK CHANNEL TO PROVIDE IN STEAM FLOWS BETWEEN THE POINT OF DIVERSION AND THE VISTA GAUGE ON THE TRUCKEE RIVER. UPON PASSING THE VISTA GAUGE, THE WATER WILL BE CONSIDERED RETURN FLOW AND AVAILABLE FOR DOWNSTREAM USERS.**

By **ROBERT E. FIRTH**
s/ **Robert E Firth**
360 E. RIVERVIEW CIRCLE
RENO, NV 89509

Compared gkl/ sc bcm/ gkl

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the place and manner of use of a portion of the waters of the Steamboat Creek as heretofore granted under Claim Nos. 709 and 710 of the Truckee River Decree is subject to the terms and conditions imposed in said decree and with the understanding that no other right on the source will be affected by the change proposed herein. A suitable measuring device must be installed and accurate measurements of water placed to beneficial use must be kept.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

Measuring devices shall be designed and a monitoring plan shall be submitted to and approved by the State Engineer prior to filing the proof of completion of work. Furthermore, no return flow credit water for subdivisions will be approved from this permit until data supporting the use has been approved by this office. This permit is issued subject to the continuing jurisdiction and regulation by the Federal Water Master and the State Engineer.

(CONTINUED ON PAGE 3)

The amount of water to be changed shall be limited to the amount, which can be applied to beneficial use, and not to exceed 5.04 cubic feet per second, **but not to exceed 805.75 acre-feet as decreed.**

Work must be prosecuted with reasonable diligence and be completed on or before:

March 27, 2008

Proof of completion of work shall be filed on or before:

April 27, 2008

Water must be placed to beneficial use on or before:

March 27, 2011

Proof of the application of water to beneficial use shall be filed on or before:

April 27, 2011

Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 27th day of March, A.D. 2006



State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed N/A _____

Certificate No. _____ Issued _____

EXHIBIT "A"

Applicants:

1. The Allison Sowles Butler trust (12%)
2. The Daryl Ellen Butler Trust (12%)
3. The Paul Brett Butler III Trust (12%)
4. The Shelly Bryant Butler Trust (12%)
5. The Ruth M. Butler Trust (28.48%)
6. The Paul B. Butler Sr. Trust (23.52%)

EXHIBIT "B"**7. Proposed Place of Use - Steamboat Creek**

Within: T. 19N., R. 20E., M.D.B.&M.

SW 1/4 SE 1/4, Section 11
SE 1/4 SE 1/4, Section 11

SW 1/4 SW 1/4, Section 12
SE 1/4 SW 1/4, Section 12

NW 1/4 NW 1/4, Section 13
NE 1/4 NW 1/4, Section 13
NW 1/4 NE 1/4, Section 13

SW 1/4 SW 1/4, Section 14
NW 1/4 SW 1/4, Section 14
SW 1/4 NW 1/4, Section 14
SE 1/4 NW 1/4, Section 14
NE 1/4 NW 1/4, Section 14
NW 1/4 NE 1/4, Section 14
NE 1/4 NE 1/4, Section 14

SE 1/4 SE 1/4, Section 15

SW 1/4 SW 1/4, Section 22
SE 1/4 SW 1/4, Section 22
NE 1/4 SW 1/4, Section 22
NW 1/4 SE 1/4, Section 22
SE 1/4 NW 1/4, Section 22
SW 1/4 NE 1/4, Section 22
NW 1/4 NE 1/4, Section 22
NE 1/4 NE 1/4, Section 22

NW 1/4 NW 1/4, Section 23

NW 1/4 NW 1/4, Section 27

SE 1/4 SE 1/4, Section 28
NE 1/4 SE 1/4, Section 28
SE 1/4 NE 1/4, Section 28
NE 1/4 NE 1/4, Section 28

NE 1/4 NE 1/4, Section 33

SE 1/4 SW 1/4, Section 34
SW 1/4 SW 1/4, Section 34
NW 1/4 SW 1/4, Section 34
SW 1/4 NW 1/4, Section 34
NW 1/4 NW 1/4, Section 34

Within: T. 18N., R.20E., M.D.B.&M.

NE 1/4 NW 1/4, Section 3
NW 1/4 NW 1/4, Section 3
SW 1/4 NW 1/4, Section 3
NW 1/4 SW 1/4, Section 3
SW 1/4 SW 1/4, Section 3

NW 1/4 NW 1/4, Section 10
SW 1/4 NW 1/4, Section 10

SEE MAPS TR-026, -39, 046 AND 047

EXHIBIT "C"

Item 8 - Existing Place of Use

Section 10, T. 18 N., R. 20 E., M.D.B.&M

NW 1/4 NW 1/4	.....	16.45 acres
SW 1/4 NW 1/4	.....	40.50 acres
NE 1/4 NW 1/4	.....	15.55 acres
SE 1/4 NW 1/4	.....	39.00 acres
NW 1/4 NE 1/4	.....	15.13 acres
SW 1/4 NE 1/4	.....	39.60 acres
NE 1/4 NE 1/4	.....	6.76 acres
SE 1/4 NE 1/4	.....	<u>28.45 acres</u>

Total 201.44 acres

SEE MAP TR-026